

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

LYNELL DENHAM,

Petitioner,

v.

UNITED STATES OF AMERICA,

Respondent.

Case No. C12-814RSL

ORDER DENYING MOTION  
FOR DEFAULT JUDGMENT

This matter comes before the Court on Petitioner's motion for default judgment (Dkt. # 10). The Court DENIES the motion.

The facts speak for themselves; Petitioner's motion is the product of a single unreceived letter. On June 12, 2012, Petitioner filed a pro se "Motion for Leave to Amend 28 U.S.C. § 2255 petition" (Dkt. # 6). On June 16, he filed additional documents in support of his motion, which he styled as a "Motion to Show Cause to Amend" (Dkt. # 8).<sup>1</sup> On June 20, the Court granted Petitioner's initial request, allowing him 60 days to file an amended petition of 24 pages or less that contained each and every one of his claims.<sup>2</sup> Cf. Local Civil Rule 7(e)(3). Dkt. # 7. In it, the Court noted that it would set a briefing schedule after it received Petitioner's amended petition. Id. On July 5, 2012, the Court's Order (Dkt. # 7) was returned as undeliverable. Dkt. # 9.

<sup>1</sup> This filing was not received by the Court until June 21.

<sup>2</sup> The Court notes again for Petitioner's benefit that he cannot raise issues on a filing-by-filing basis. His initial petition must contain every claim he wishes the Court to consider.

1 And Petitioner subsequently filed his motion for default, apparently unaware that the  
2 Court had granted his motion to amend or reset the briefing schedule.

3 In light of the foregoing, the Court DENIES Petitioner's motion for default  
4 judgment (Dkt. # 10). Simply put, the United States is not in default. The Court also  
5 DENIES Petitioner's second motion to amend (Dkt. # 8) as moot.

6 In regard to the Court's prior Order, the Court notes that it does not appear that  
7 Petitioner's non-receipt is attributable to any failing on his part. He lists the same  
8 address on his most recent filing that he listed on his initial petition. Accordingly, to  
9 avoid any prospect of undue prejudice, the Court *sua sponte* extends the deadline for  
10 Petitioner to prepare and file an amended petition to October 15, 2012.

11 The Clerk of Court is directed to mail Petitioner a copy of both this Order and the  
12 Court's prior Order (Dkt. # 7).

13 DATED this 13th day of August, 2012.

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16 Robert S. Lasnik  
17 United States District Judge  
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